

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 327 of 1998

in

SPECIAL CIVIL APPLICATION NO 7525 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE R.P.DHOLAKIA

PRAMODKUMAR H DAVE

Versus

BHARATBHAI NATVARLAL SHAH OR HIS SUCCESSOR IN OFFICE

Appearance:

MR MH RATHOD for Petitioners

CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE R.P.DHOLAKIA

Date of decision: 23/02/98

ORAL JUDGEMENT

By this application, the petitioner No.1 of Spl. C.A. No. 7527 of 1992 has approached this Court under the Contempt of Courts Act, 1971, interalia stating that the respondents No. 1 to 4, in flagrant violation of order passed by the Court, have committed breach of the order passed by the learned Single Judge on 20.2.1997, a copy of which is annexed at ANNEXURE 'A' to this application.

Reading the order at ANNEXURE 'A', it becomes clear that only Registrar of North Gujarat University was the party respondent in the Special Civil Application. The Court, after hearing the petitioners, quashed and set aside the order passed by the respondent University qua petitioner No.1, and further held that "the petitioner

No.1 shall be entitled for all consequential benefits which follows from the setting aside of the afiresaud order". This is the only relevant part of the order with which we are concerned in this application, and, therefore, we are not referring to the other parts of the order.

It is required to be noted that as per the averments made in the petition in paragraph 3.1, the petitioner has been reinstated on his original post by the University. The grievance made by the present petitioner is with regard to backwages and consequential benefits. It is also required to be noted that in paragraph 2.1, it is specific case of the petitioner herein that the respondent No.2 to 4 are sanctioning authorities for additional grant for payment of backwages and it is these respondents who are not sanctioning the grant. Respondents No. 2 to 4 were not parties before the Court in the Special Civil Application. It is not the case of the petitioner that he is not reinstated or that he is not paid his regular salary. If that be so, whatever was within the control of the respondent No.1 has been done. It is also the case of the petitioner that because of non-sanctioning of the grant by the respondents No. 2 to 4, the backwages and consequential benefits are not being paid to the present petitioner. If that be so, it would be open for him to initiate appropriate proceedings against them, but surely this proceedings are not maintainable against them.

So far as respondent No.1 is concerned, he did his best, whatever was within his control. Hence we do not find any reason to issue notice to the respondent No.1.

This application stands rejected summarily.
csm./ -----